

REMARKS/ARGUMENTS

The Application was originally filed with claims 1-6. By prior Amendment, Applicants canceled claims 1-6, and added new claims 7-16. By the present Amendment, Applicants have amended claims 7-16 to more clearly recite the subject matter originally included therein. No claims have been withdrawn from consideration. Applicants assert that the claim amendments are fully supported by the Application, as filed, and, as such, do not introduce new matter. Accordingly, claims 7-16 remain pending in the Application.

I. OBJECTIONS AND FORMAL MATTERS

The Examiner has objected to claims 11 and 12 for having several informalities unrelated to patentability. In response, Applicants have amended claims 11 and 12 to correct any such inadvertent errors. Accordingly, Applicants respectfully request the Examiner withdraw the objections.

II. REJECTIONS UNDER 35 U.S.C. §112

The Examiner has rejected claims 7-16 under 35 U.S.C. §112, second paragraph, where the Examiner believes the claims are incomplete for omitting essential elements. After discussion with the Examiner, and based in part on the Examiner's suggestions, Applicants have amended the rejected claims to more clearly recite the subject matter originally included therein, and in a more conjunctive manner. Accordingly, Applicants believe the pending claims comply with the requirements of 35 U.S.C. §112, second paragraph, and therefore respectfully request the Examiner withdraw the rejections.

III. REJECTIONS UNDER 35 U.S.C. §102

The Examiner has rejected claims 7-16 under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. to Yon, *et al.* After a telephone interview with the Examiner, Applicants had canceled claims 1-6 and added claims 7-16, which recited subject matter already disclosed in the original specification. However, the Examiner has mentioned that the several grounds for rejection under §112, second paragraph, have made it difficult to clearly understand the recitations, and thus the limitations, of the pending claims. In response, Applicants have now corrected any potential problems under §112, second paragraph.

Moreover, the Examiner believes that the phrase “information regarding the use of one or more of a plurality of coloring algorithms” in the independent claims is likely taught by the providing of color information to a central system found in Yon. While Applicants do not necessarily agree with the Examiner’s position, independent claims 7 and 12 have been amended to more clearly recite the intended subject matter. Specifically, these claims now recite that information is received regarding the optimization of available coloring algorithms for substrate type, color recommendations, or colorant type. As discussed in the original specification, Applicants’ system and method provides access to coloring algorithms optimized for a user’s desired purpose based on information about the use of those algorithms. Also as mentioned, specific purposes typically include the use of certain colorants on certain substrates, the need for good color recommendations, and the type of colorants to be employed (e.g., metallic paint, etc.). (See, for example, page 3, line 8, to page 9, line 6 in conjunction with page 12, lines 6-9) Thus, as amended, the pending claims now recite that information

regarding the optimization of coloring algorithms for such specific uses or purposes is received by the server and employed by a user (via a client computer) to select a coloring algorithm tailored to his specific desired application.

In contrast, the mere receiving of color data generated by a specific algorithm, as taught by Yon, does not teach or suggest the receiving of information regarding the optimization of each of a plurality of coloring algorithms for substrate types, color recommendations, or the type of colorant is best used for the user's particular application. Even if collections of color data generated by multiple coloring algorithms are received by the server, there is nothing that would suggest that merely calculating the groups of color data with the coloring algorithms necessarily means that that color data provides information about the optimization of those coloring algorithms. In fact, the algorithms taught by Yon may not even be optimized to provide the color data transmitted in Yon's system. At best, the received color data taught by Yon may provide "information" in the form of color amounts and measurements calculated by the specific algorithm used to generate that specific color data. Accordingly, Applicants assert that Yon does not disclose the pending claims, as amended, and respectfully request that the Examiner withdraw the rejections.

IV. CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that pending claims 7-16 are in condition for allowance. Accordingly, Applicants respectfully request a Notice of Allowability for the pending claims. In addition, the Examiner is invited to

contact the undersigned Attorney of Record if such would expedite the prosecution of the present Application.

As mentioned above, the mailing date of the pending Office Action is December 9, 2003. Thus, the present Amendment is timely filed. Accompanying the present Amendment is the fee for an RCE to remove the finality of the pending Office Action, and Applicants hereby request such continued examination. Beyond the fee accompanying the RCE, Applicants believe no further fees are due with this Amendment. However, if it is determined that additional fees are due, or that an overcharge has occurred, please charge or credit Deposit Account No. 13-0480, referencing the Attorney Docket Number 32164689.10RCE.

Respectfully submitted,

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